

OA 91 Criminal Complaint

United States District Court

FILED

JUL 07 2008

NORTHERN

DISTRICT OF

 CALIFORNIA
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 MEJ

 UNITED STATES OF AMERICA
 V.

CRIMINAL COMPLAINT

MIRSAD NEZIRI

Case Number 3 08 70408

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my

 knowledge and belief. On or about June 25, 2008 in San Mateo County, in
 the Northern District of California defendant(s) did,
 (Date)

(Track Statutory Language of Offense)

- (1) knowingly and willfully use a false writing and document knowing the same to contain any materially false, fictitious, and fraudulent statement and entry in a matter within the jurisdiction of the Transportation Security Administration;
- (2) knowingly possess and use, without lawful authority, a means of identification of another person during and in relation to a violation of 18 USC Section 1001;
- (3) enter and attempt to enter any secure area of any airport by fraud and false pretense.

in violation of Title 18 United States Code, Section(s) 1001(a)(3), 1028A(a)(1), and 1036(a)(4)
 PENALTIES: Section 1001(a)(3): 5 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment
 Section 1028A(a)(1): mandatory 2 years imprisonment, \$250,000 fine, 1 year supervised release, \$100 special assessment
 Section 1036(a)(4): 6 months imprisonment, \$5000 fine, 1 year supervised release, \$10 special assessment

Arrest Warrant requested, no bail.

 I further state that I am a(n) SA of the Federal Bureau of Investigation and that this complaint is based on the following facts:
 SEE ATTACHED AFFIDAVIT MADE A PART HEREOF.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved

As To Elise BeckerForm: AUSA
 * Michael D. Keen
 Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

7/7/08
 Date
at San Francisco, California

City and State

Nandor J. Vadas U.S. MAGISTRATE JUDGE
 Name & Title of Judicial Officer

[Signature]
 Signature of Judicial Officer

U.S. Magistrate Judge

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

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ss. **AFFIDAVIT**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT
CHARGING MIRSAD NEZIRI,
WITH VIOLATING 18 U.S.C. § 1001 (a) (3), USE OF FALSE DOCUMENT;
18 U.S.C. § 1028A (a) (1) AGGRAVATED IDENTITY THEFT;
18 U.S.C. § 1036 (a) (4), ATTEMPTED ENTRY OF SECURE AIRPORT BY FALSE PRETENSES

I, Michael D. Keigwin, being duly sworn, depose and state:

Affiant Background

1. I am a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI") and my primary assignment includes the investigation of violations of the laws of the United States. I have been a Special Agent since July 2006.

Purpose of Affidavit

2. This affidavit establishes probable cause to arrest MIRSAD NEZIRI for use of a false document; aggravated identity theft; and entry by false pretenses into secure area of an airport, in violation of Title 18 U.S.C. § 1001 (a) (3); 18 U.S.C. § 1028A (a) (1); 18 U.S.C. § 1036, when he attempted to enter a security checkpoint at San Francisco International Airport (SFO) by presenting a fraudulent California Drivers License and airplane ticket in the name of James Monroe Harrington to a Transportation Security Administration (TSA) screener in San Francisco, California, in the jurisdiction of the United States on June 25, 2008.

3. This affidavit is based in part upon my personal knowledge, interviews, and the review of various records and documents obtained during the investigation. This affidavit sets forth only those material facts that I believe are necessary to establish probable cause. It does not include each and every fact of this investigation.

Relevant Statutes

4. Title 18 U.S.C. § 1001 was in full force and effect throughout the period of this investigation. Title 18 U.S.C. § 1001 (a) (3) states "Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully, makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, shall be fined under this Title 18, or imprisoned not more than 5 years, or both."

5. Title 18 U.S.C. § 1028A was in full force and effect throughout the period of this investigation. Title 18 U.S.C. § 1028A (a) (1) states "Whoever, during and in relation to any

felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years."

6. Title 18 U.S.C. § 1036 was in full force and effect throughout the period of this investigation. Title 18 U.S.C. § 1036 (a) (4) states "Whoever, by any fraud or false pretense, enters or attempts to enter any secure area of any airport, shall be punished by a fine under this title or imprisonment for not more than 6 months or both, in any other case."

Facts Supporting Probable Cause

7. On Monday, June 30, 2008 at approximately 08:30 A.M. I was notified from FBI San Francisco Airport Liaison SA Peter F. Adduci that MIRSAD NEZIRI had been arrested by the San Francisco Police Department (SFPD) Airport Bureau Officers for Identify Theft and Possession of False Personal Identification on Wednesday, June 25, 2008.

8. On Tuesday, July 1, 2008 Immigration and Customs Enforcement SA Christin Ertz and I met with Detective Joseph Farmer, San Mateo County Sheriff's (SMCS) Investigations, San Francisco International Airport Sub Station, who provided a copy of the SMCS Investigative Report, Case Number 08-177-52; TSA - SFO Incident Report Control Number 2008SFO0528; and SFPD Incident Report Case Number 08-17752.

9. Detective Farmer informed SA Ertz and I that on June 25, 2008 at approximately 8:30 A.M. a ticketed passenger on Air Tran Airways in the name of James Harrington - who I later learned was MIRSAD NEZIRI - had been stopped at the TSA checkpoint in Terminal 1, at SFO after TSA personnel discovered that he was attempting to enter a secure area of the airport with fraudulent identification, specifically, a California Drivers License bearing the number A8177679.

10. Detective Farmer further stated that he interviewed Sherry Harrington, who responded to the airport at the request of the SFPD Officers and SMCS Detectives. Harrington stated that she was familiar with NEZIRI and said that he is her domestic partner and that they live together. Harrington stated that the license that NEZIRI had in his possession was fake, that she knew that NEZIRI was illegally in the United States from Macedonia, and that he is a filee with the Immigration Department and has been living in this country for a little more than one year.

11. SA Ertz and I then interviewed the TSA screening officer and supervisor. Through those interviews and discussions, I learned the following.

12. When NEZIRI arrived at the TSA checkpoint on June 25, 2008, he presented a California Drivers License as identification to a TSA screener who is referred to here as "Witness 1." When Witness 1 saw the California Drivers License that NEZIRI had given him, he knew from his training that it was a fraudulent document, based on anomalies in the photograph, print, color,

general appearance, and lack of security markings on the document. Witness 1 called his supervisor - referred to here as "Witness 2," - to inform her that a passenger - later identified as NEZIRI - had presented a fraudulent license. Witness 1 then directed NEZIRI to the secondary inspection lane at the TSA checkpoint.

13. From her conversations with Witness 1 and review of the drivers license, Witness 2 agreed that the drivers license presented by NEZIRI was fraudulent. Witness 2 then called SFPD Officers and TSA Screening Control Center (SCC) to report the fraudulent license.

14. Witness 2 asked NEZIRI if he had any other forms of identification, which NEZIRI responded "no." While Witness 2 was speaking to NEZIRI, SFPD Airport Bureau Officer's Larry Lacy, Reggie Prasad, Rebecca Minalga, and Robert Canedo arrived at the checkpoint and approached NEZIRI.

15. The drivers license that NEZIRI presented to TSA personnel bore the name "James Monroe Harrington." The number on the drivers license used by NEZIRI - A8177679 - corresponds to a California Drivers License issued to a man named James Monroe Harrington with an address in Antioch, California.

16. NEZIRI was booked into the San Mateo County Jail Facility in Redwood City, California, and on July 3, 2008 I was advised that NEZIRI plead guilty to California Statute 529.5 (C) "Possession of False Personal Identification."

17. On Wednesday, July 2, 2008 SA Ertz and I interviewed the victim James Monroe Harrington. Through the interview and discussions, I learned the following.

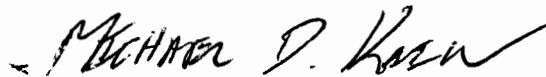
18. NEZIRI is the boyfriend / domestic partner to Sherry Harrington, James Harrington's father's sister. James Harrington has known NEZIRI since on or about May 2007, and has seen NEZIRI at family functions three or four times since meeting NEZIRI. James Harrington stated that after a pool party at Sherry Harrington's house in May 2007, at which NEZIRI was present, he learned that his drivers license was missing. Later his drivers license was mailed to him in an envelope address to James M. Harrington from Oakland, California with no return address provided on the envelope within two to three days after the pool party.

19. James Harrington further stated that due to the suspicious circumstances that he received his drivers license in the mail, he contacted the credit bureaus to place a fraud alert on his records as he was worried someone had stolen his identity. He further stated that he did not give permission for NEZIRI to use his drivers license, and that he was not aware that NEZIRI had been using his drivers license until Detective Farmer contacted him telephonically on June 25, 2008. James Harrington was upset that NEZIRI had used his drivers license and was worried that NEZIRI had been using the fraudulent drivers license since May 2007.

Conclusion

20. Based on the facts and information detailed in the affidavit, I believe probable cause exists that on June 25, 2008, MIRSAD NEZIRI, attempted to enter a security checkpoint at San Francisco International Airport by presenting a fraudulent California Drivers License and airplane ticket in the name of James Monroe Harrington to a TSA screener in San Francisco, California in violation of Title 18 U.S.C. § 1001 (a) (3); 18 U.S.C. § 1028A (a) (1); 18 U.S.C. § 1036 (a) (4).

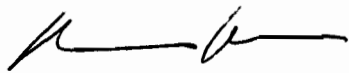
Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.



Michael D. Keigwin, Special Agent
Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO BEFORE ME

THIS 7th DAY OF JULY, 2008



THE HONORABLE DAVIDOR DADQ.
United States Magistrate Judge
Northern District of California